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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 ADAM RICHARDS, et al.,
17 Plaintiffs,
18 v.
19 GAVIN NEWSOM, et al.,
20 Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF MATTHEW
GENE PETERSON-HAYWOOD IN
SUPPORT OF PLAINTIFFS'
SUPPLEMENTAL BRIEF ON
MOTION FOR PRELIMINARY
INJUNCTION**

DECLARATION OF MATTHEW GENE PETERSON-HAYWOOD

1. I, Matthew Gene Peterson-Haywood, am a U.S. citizen and resident of California. I make this declaration in support of Plaintiffs' Supplemental Brief on Motion for Preliminary Injunction. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the owner of Hard Focus Firearms Training, LLC in Merced, California.

3. I am a member of Gun Owners of America, Inc. and am thus one of the individuals whose interests are represented in this matter. I also participate in Gun Owners of America's Caliber Club which is a partnership program of dealers and shooting ranges around the country.

4. I am a licensed firearms dealer and operate my business out of my home. Previously, I was a law enforcement officer, formerly with the City of Atwater Police Department.

5. Prior to the effective date and due to the implementation of Section 26806, I was forced to install audiovisual surveillance equipment within my home in order to comply with the requirements of my license so that I could remain in business as a firearms dealer.

6. My home is my "licensed business premises" under state law. Specifically, I utilize my home office as the location where I perform firearms transactions for customers.

7. As a firearms dealer, I operate by appointment only, to known customers with whom I have previously communicated. Neither my office nor my home is open to the general public for any purpose or at any time. I do not openly advertise to the general public that I am a home-based FFL.

8. After Section 26806 was passed, I spent considerable time researching what I needed to do to comply with its requirements, including what I could afford

1 with a limited budget of a small business. During that process, I spoke with the
2 California Department of Justice about what I needed to do comply with the new
3 requirements.

4 9. After multiple calls to surveillance equipment retailers, and
5 consultations with the California DOJ, I was told by my California DOJ
6 representative that I would be permitted to utilize a one-camera system, whereby
7 the camera and microphone would be focused on my "office," but would also
8 capture the field of view of the hallway.

9 10. And, I was told that the camera must include in its view the computer
10 in my office, and that the camera must capture the computer screen itself so as to
11 record any firearm transaction and my entering of the customer's information into
12 the Dealer's Record of Sale (DROS).

13 11. I determined that, even for one camera recording at 1080p with audio,
14 I needed at least 8TB of storage for one year of 24/7 surveillance. Thus, in order to
15 comply with Section 26806, I purchased a 4K-capable digital video recording
16 system with a 10TB (Terabyte) surveillance-rated hard drive. Also part of the
17 system is a 3K-capable turret camera that records video in 1080p and records audio.
18 I also purchased a battery backup for the system so, in case the power went out, my
19 system would still function. The hard drive alone cost me about \$500. The system
20 total cost was approximately \$1,700, representing a significant portion of my
21 annual business income. There is no cloud backup to the system I purchased, as a
22 cloud service solution was prohibitively expensive, and so every 30 days, I must
23 remember to manually back up the footage to a 2TB flash drive (incurring
24 additional and ongoing costs to ensure compliance) in case of any sort of system
25 failure.

26 12. I was told by my California DOJ representative that this setup is
27 sufficient. However, if that opinion were to change, and I were required to add a
28 second camera, I would not be able to afford the additional requirements, as such a

1 cost is simply not feasible based on the volume of sales that I do in a given year.
2 Being a firearms dealer is not generally a hugely profitable business, and the costs
3 imposed by Section 26806 are real, difficult to burden, and borderline prohibitive.

4 13. During an initial test of my audio/video system to ensure its
5 functionality, I discovered that the system picks up and records audio not only from
6 my home office, where it is directed, but also indirectly from my den and kitchen.
7 One can even hear the toilet flushing in the nearby bathroom, as the camera is
8 mounted on the wall that is shared with my bathroom. In other words, my
9 surveillance system captures the goings on not only in my office and hallway, but
10 also in much of my home. There is no way to limit this intrusion while keeping
11 with the recommendations for the system I have in place.

12 14. Prior to the effective date of Section 26806, I used my home office for
13 a number of different functions.

14 15. I previously used my office as a meeting space for my law
15 enforcement motorcycle club, the "Sworn Few Motorcycle Club." Often, friends
16 who are members of the club would visit and we would discuss various issues in
17 my office. I also used my office for scheduled conference calls with other members
18 of the club to discuss our activities.

19 16. Previously, my family used my office as a guest room when friends or
20 family would visit, as there is a futon in my office that functions as a bed for guests.

21 17. I used to regularly use my office for personal matters, including
22 speaking with medical providers and making healthcare appointments for my wife,
23 who has health issues.

24 18. Before Section 26806, I would use my office to speak with other like-
25 minded individuals about politics, current events, and the general state of life in
26 California, including state firearms laws, proposed legislation, and to criticize
27 elected officials.

28 19. I am also a sales representative for a self-defense insurance program,

1 and thus I would use my office to make sales calls, speak with existing customers,
2 and conduct other business activities.

3 20. When on the telephone, I routinely use the speakerphone function of
4 my phone so that I can multitask and look at documents while having a
5 conversation. Under the Section 26806 surveillance this means that both sides of
6 my conversations are able to be heard by anyone monitoring my office.

7 21. Now, however, due to the implementation of Section 26806, I am not
8 able to use my office for any of these activities.

9 22. I cannot use my computer the way I used to. Because the California
10 DOJ has mandated that the video camera capture my computer screen, everything I
11 do on my computer is monitored by the government (even medical appointments,
12 customer interactions with my other business, and the like). It is no exaggeration to
13 say that California watching my computer screen is Orwellian.

14 23. My family any longer allow guests to use my office as a guest room,
15 due to Section 26806's audiovisual surveillance. No reasonable person would want
16 to sleep in that room, under constant monitoring by California. Thus, I cannot
17 freely use this section of my home as I desire because of Section 26806.

18 24. I can no longer use my phone and office computer to make any health
19 appointments or discuss my wife's health with providers in my office, as all such
20 communications would be recorded. Instead, I must go to *another* room and use a
21 *different* computer to make any health appointments. Even that is suspect because
22 the recording picks up conversations throughout my home so there really is no
23 privacy any longer.

24 25. I am no longer able to use my office to have calls and meetings with
25 members of my motorcycle club, as all of us would be forced to censor ourselves
26 and what we say, whereas I usually speak freely and without a filter. I now must
27 find a different place to have these discussions and host these meetings, where they
28 are not under government surveillance.

1 26. If my phone rings, I have to leave my office and try to find a place
2 where I can speak freely. I can no longer have casual conversations, and have to
3 filter myself when I speak, because the audio recording system might pick up the
4 conversation.

5 27. I used to be able to have political discussions with friends or complain
6 about the government – or pray to God – without fear of being recorded by the
7 government in my own home, but this can no longer happen in my home without
8 the government listening in.

9 28. Since my home office is under constant audiovisual surveillance, I feel
10 I have been evicted from my office and much of my home, which now essentially
11 belongs to the State of California.

12 29. In addition to chilling my speech because I do not want to be
13 monitored by the government, I have also learned that I can no longer lawfully
14 conduct any telephone calls on speakerphone in my office, because California is a
15 two-party state for recording, and I do not wish to violate either California or
16 federal law by having those conversations recorded without consent of all parties.

17 30. As I mentioned above, the audio surveillance imposed by Section
18 26806 also picks up conversations in my kitchen and den. I am married and have
19 two boys who use these areas, and who are frequently reminded to “filter” their
20 conversations and are requested not to enter my home office. My own children are
21 learning what it means to be constantly recorded by the government in their own
22 home.

23 31. Now when my wife and I have conversations, I make sure that we are
24 out of range of the audio recording system. Obviously, we can no longer have a
25 conversation (or do anything else) in my office, as both audio and video are
26 recorded. Moreover, as the audio picks up sounds in other rooms, the places where
27 we can discuss things that are personal or otherwise none of the government’s
28 business are now greatly limited within our own home.

1 32. Section 26806 is a massive invasion of privacy, which is hard to fully
2 describe and understand without actually being subjected to it. I am being treated as
3 though I am a criminal within my own home. California has invaded my home,
4 destroyed my privacy, and is subjecting my family and friends to the same
5 treatment.

6 I declare under penalty of perjury that the foregoing is true and correct.
7 Executed within the United States on January 31, 2024.

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11 Matthew Gene Peterson-Haywood
12 Declarant
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Richards, et al. v. Newsom, et al.*
Case No.: 8:23-cv-02413 JVS (KESx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF MATTHEW GENE PETERSON-HAYWOOD IN
SUPPORT OF PLAINTIFFS' SUPPLEMENTAL BRIEF RE: MOTION FOR
PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed January 31, 2024.



Laura Palmerin